

AZERBAIJAN 2016 TRAFFICKING IN PERSONS REPORT

AZERBAIJAN - Tier 2

Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Azerbaijani men and boys are subjected to forced labor in Turkey, Russia, United Arab Emirates (UAE), and Azerbaijan. Women and children from Azerbaijan are subjected to sex trafficking within the country and in Turkey, Russia, and UAE. Azerbaijan is a destination country for sex and labor trafficking victims from Turkey, Uzbekistan, Turkmenistan, Ukraine, and, in previous years, China and Russia. Some migrant workers from Turkey and other countries in Europe and South and Central Asia are subjected to forced labor in Azerbaijan. Azerbaijan was used as a transit country for victims of sex and labor trafficking from Central Asia to UAE, Turkey, and Iran in previous years. Within the country, some children, particularly those of Romani descent, are subjected to forced begging and forced labor as roadside vendors and at tea houses and wedding facilities. Filipina victims are subjected to domestic servitude in Azerbaijan.

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased the number of trafficking investigations, maintained strong prosecution and conviction rates, and handed down severe sentences for labor and sex traffickers. The government increased victim identification efforts through the identification of seven Azerbaijani victims of forced labor; however, the government did not provide adequate and consistent financial support to NGO partners that provide rehabilitation and reintegration services to victims for the third year in a row. The government did not have formal standard operating procedures for implementation of the referral mechanism, and communication amongst participating agencies and organizations remained weak. Sources reported the government continued to pressure victims to assist in the investigation and prosecution of alleged traffickers, and victims who refused to participate did not receive the same quality of care as those who did participate.

RECOMMENDATIONS FOR AZERBAIJAN:

Proactively investigate potential trafficking cases, particularly situations of potential forced labor; vigorously investigate and prosecute trafficking offenses

and convict and punish trafficking offenders; create standard operating procedures to implement the national referral mechanism and formalize the role of NGOs and other stakeholders in the referral process; improve communication among government agencies, including about victim referrals and potential cases; increase funding to victim service providers and expand the network of providers outside Baku; proactively respond to the referral of potential trafficking victims by NGOs; provide safe accommodation and the same protective services for victims who choose not to cooperate with law enforcement as for those who do; provide sensitivity training to law enforcement officers, prosecutors, and the judiciary, including on how to work with trafficking victims who have experienced psychological trauma; strengthen the capacity of the State Migration Service to identify and refer foreign trafficking victims to services; and target public awareness campaigns to foreign migrant workers, describing indicators of human trafficking and avenues to seek help.

PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and article 144 of the criminal code prohibit sex trafficking and forced labor and prescribe penalties of five to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 29 potential sex or labor trafficking cases in 2015, 22 for suspected sex trafficking offenses and seven for suspected labor trafficking offenses, an increase from 23 trafficking investigations in 2014. The government prosecuted 32 defendants and convicted 23 traffickers in 2015, compared with 26 convictions in 2014; 18 were for sex trafficking and five for forced labor. All of the convicted traffickers were sentenced to prison: seven traffickers, two charged with forced labor and five charged with sex trafficking, received one- to five-year sentences; and 16, three charged with forced labor and 13 charged with sex trafficking, received five- to 10-year sentences. Civil society reported the government increased capacity of front-line responders through the institutionalization of training through the Ministry of Justice. The government did not report training prosecutors or judges during the reporting period.

PROTECTION

The government increased efforts to identify and assist victims, although funding for NGOs remained insufficient for the third consecutive year. The Ministry of Internal Affairs' (MIA) Anti-Trafficking Department (ATD) continued to run a

shelter in Baku; however, the shelter was heavily guarded and victims, including adults, did not have freedom of movement. Experts reported the shelters lacked specialized care for victims. In 2015, the government certified 63 trafficking victims, of which 56 were women, six were men, and one was a child, compared with 54 victims certified in the previous reporting period. Of the 56 women certified, 53 were sex trafficking victims and three were labor trafficking victims. All six men certified were labor trafficking victims and one child was a sex trafficking victim. Of the 63 certified victims, 49 were Azerbaijani citizens exploited abroad, 38 in Turkey, eight in UAE, and three in Russia; the government referred 48 to the MIA-run shelter, where they received legal, medical, and psychological support. The government provided 63 victims with a one-time allowance of 400 manat (\$245), nine victims with employment assistance, and eight victims with vocational training; it also directed 40 victims to NGOs and 58 to the state-run Victim Assistance Center (VAC) for additional social services. The government allocated 44,000 manat (\$27,500) to the VAC, an increase from 32,000 manat (\$20,000) in the previous reporting period; however, this budget did not allow the VAC to hire adequate staff. The government did not provide any funding for victim assistance to the NGO partners that provided shelter and other services for 40 victims during the reporting period. These institutions continued to be significantly underfunded, considering the frequency with which they are asked to provide vital housing, medical, employment, and legal assistance to victims. For example, most shelter staff that provided critical protective services during the reporting period worked on a voluntary basis. Sources reported the government pressured victims to assist in investigation and prosecution of alleged traffickers. Victims who refused to participate did not receive the same quality of assistance as those who did and were not permitted to stay at the MIA-run shelter in Baku.

The government identified seven foreign national victims of trafficking from Turkmenistan, Ukraine, and Uzbekistan, all of whom received services from ATD. The government paid for five sex trafficking victims from Uzbekistan to reside in a private apartment rather than the MIA-run shelter upon the victims' request, and it coordinated with the Government of Uzbekistan to repatriate all of them. One Chinese victim from the previous reporting period remained at the Azerbaijan Children's Union shelter awaiting the conclusion of his case. Another victim from the previous reporting period was awarded restitution of 5,000 manat (\$3,000). ATD authorized the provision of legal representation to trafficking victims at the government's expense. Although ATD had a list of indicators for identifying victims, it was unclear how the list was distributed or when it was referenced in the course of an inspection. The government did not have formal standard operating

procedures for implementation of the referral mechanism, and communication among participating agencies and organizations remained weak. Experts widely reported flaws in the referral process, including the government's failure to officially acknowledge or provide services for victims identified by NGOs. The government did not follow up on the referral of 130 potential trafficking victims received by an international organization during the reporting period.

PREVENTION

The government increased prevention efforts. ATD led the implementation of the national action plan (2014-2018) during the reporting period. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts, which was made available online. The national anti-trafficking coordinator presented the government's efforts to Parliament in April 2016. On October 14, 2015, the Cabinet of Ministers ruled in Decision 330 for an expansion of social services for migrants vulnerable to trafficking and requiring additional training of migration, customs, and border officials to help improve the identification of migrants as potential trafficking victims. VAC conducted awareness campaigns in 20 regions, reaching approximately 600 individuals. The Ministry of Youth and Sport and the State Committee for Women, Family, and Children Affairs (SCWFCA) held events to raise awareness in 53 regions and also used social media and the government's website to share information intended to raise awareness about trafficking. SCWFCA published booklets, ran three different public service announcements, and participated in public and private television programs to discuss the dangers of trafficking. The labor inspectorate placed billboards throughout the city to encourage employees to register their contract in the government's electronic database and held awareness campaigns in vocational schools throughout the country. The United States Department of Justice and ATD co-sponsored an international conference promoting multidisciplinary, interagency taskforces and regional mutual legal assistance in March 2016 that focused on trafficking in persons. The program increased the capacity of domestic enforcement agencies to share information, avoid duplication of effort, leverage resources, and establish points of contact and working relationships with their regional counterparts. It also improved the Azerbaijanis' response to trafficking in persons crimes by increasing the capacity of prosecutors to obtain foreign evidence through a variety of channels. The State Migration Service (SMS) issued identity documents and residency status to 198 illegal migrants and legalized the residency status of 2,039 illegal migrants reducing the vulnerability of these individuals to trafficking. The government did not report any new measures to reduce the demand for commercial

sex or forced labor. In accordance with the national action plan, the government trained diplomats to protect the rights and interests of Azerbaijani citizens who are discovered as victims abroad. The training did not address the prevention of diplomats themselves from engaging in trafficking, but the government had plans to hold additional such training.